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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-436

13 **RANDY DALE WILLIAMS**
1812 Washington Ave. #211,
San Leandro, CA 94577

A C C U S A T I O N

14 Registered Nurse License No. 484762

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about August 31, 1992, the Board of Registered Nursing issued Registered
24 Nurse License Number 484762 to Randy Dale Williams (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 13, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

8. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or

1 administer to another, any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
3 defined in Section 4022.

4 (b) Use any controlled substance as defined in Division 10 (commencing with Section
5 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
6 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
7 himself or herself, any other person, or the public or to the extent that such use impairs his or her
8 ability to conduct with safety to the public the practice authorized by his or her license. . . .”

9 COSTS

10 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 DRUGS

15 10. Cocaine is a Schedule II controlled substance as designated by Health and Safety
16 Code Section 11055, subdivision (b)(6) and is a dangerous drug pursuant to Business and
17 Professions Code section 4022.

18 FIRST CAUSE FOR DISCIPLINE

19 (Illegally Obtain / Possess Controlled Substances)

20 11. Respondent is subject to disciplinary action under section 2761, subdivision (a), and
21 2762, subdivision (a), on the grounds of unprofessional conduct, in that Respondent illegally
22 obtained or possessed controlled substances and dangerous drugs, as follows:

23 12. On or about April 23, 2010, while employed as a registered nurse providing home
24 health care through Vasinda's Around the Clock Home Care, Inc., located in Bakersfield,
25 California, Respondent submitted to a drug screen wherein he tested positive for cocaine.
26 Respondent's employment with Vasinda's Around the Clock Home Care, Inc. was subsequently
27 terminated.

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13. Respondent had returned to work at Vasinda's Around the Clock Home Care, Inc., in April 2010 under an agreement that he would submit to regular drug testing. The reason for the regular drug testing was that between January 2010 and February 2010, Respondent failed to show up for work. He subsequently returned to work and admitted to his employer that his absence was due to his use of cocaine for that two (2) month period.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Controlled Substances)

14. Respondent is subject to disciplinary action under sections 2761, subdivision (a), and 2762, subdivision (b), on the grounds of unprofessional conduct, in that Respondent dangerously used controlled substances and dangerous drugs to an extent or in a manner dangerous or injurious to himself or others. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 12 through 13, as though set forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct / Violate Act)

15. Respondent is subject to disciplinary action under section 2761, subdivision (a) and / or (d), in that Respondent committed acts of unprofessional conduct and/or violated the Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 12-13 and 14 as though set forth fully herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 484762, issued to Randy Dale Williams

2. Ordering Randy Dale Williams to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: *February 15, 2012* *Louise R. Bailey*
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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